

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 26

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte OLE K. NILSSEN

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Appeal No. 98-0580  
Application No. 07/728,042<sup>1</sup>

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ON BRIEF

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<sup>1</sup> Application for patent filed July 08, 1991. According to appellant, the application is a continuation of Application 07/615,137, filed November 19, 1990, now abandoned; which is a continuation-in part of 07/250,990, filed September 29, 1988, abandoned; which is a continuation-in-part of 06/693,188, filed January 22, 1985, abandoned; which is a continuation-in-part of 06/454,425, filed February 22, 1983, abandoned; which is a continuation of 07/153,572, filed February 08, 1988, abandoned; which is a continuation of 07/030,554, filed March 27, 1987, abandoned; which is a continuation of 06/693,188, filed January 22, 1985, abandoned; which is a continuation-in-part of 06/454,425, filed February, 22, 1983, abandoned.

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Application No. 07/728,042

Before THOMAS, HAIRSTON, and SMITH, Administrative Patent Judges.

HAIRSTON, Administrative Patent Judge.

DECISION ON APPEAL

This is an appeal from the final rejection of claims 19 through 31<sup>2</sup>. Claims 1 through 18 and 32 have been allowed.

The disclosed invention relates to an alternative power source in a circuit arrangement for powering a gas discharge lamp.

Claim 19 is illustrative of the claimed invention, and it reads as follows:

19. An arrangement comprising:

a source providing an AC source voltage at a pair of AC source terminals;

full-wave rectifier having: (a) a pair of AC input terminals connected with the AC source terminals, and (b) a pair of DC output terminals including a negative terminal and a positive terminal;

gas discharge lamp having a pair of lamp terminals;  
and

a first assembly having: (a) a pair of DC input terminals connected in circuit with the DC output terminals, there being a DC supply voltage present between the DC input terminals; and (b) a pair of AC output terminals connected with the lamp terminals; the first assembly being characterized by including:

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<sup>2</sup> In Appeal Number 94-2870 (paper number 17) dated April 28, 1995, the Board reversed all of the rejections of record of claims 1 through 31, and pursuant to the provisions of 37 CFR § 1.196(b) instituted a new ground of rejection of claims 19 through 31 under the second paragraph of 35 U.S.C. § 112.

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(i) a first energy-storing capacitor having a first pair of capacitor terminals across which a first DC voltage exists;

(ii) a second energy-storing capacitor having a second pair of capacitor terminals across which a second DC voltage exists; and

(iii) a second assembly connected in circuit between the capacitor terminals and the AC output terminals; the second assembly being operative: (a) to cause current to be supplied from the DC input terminals to the two energy-storing capacitors, but only when the absolute instantaneous magnitude of the AC source voltage is larger than the sum of the first DC voltage and the second DC voltage; and (b) to cause the first energy-storing capacitor to supply current to the DC input terminals whenever the absolute instantaneous magnitude of the AC source voltage is lower than that of the first DC voltage.

The references relied on by the examiner are:

Kornrumpf et al. (Kornrumpf)	4,053,813	Oct. 11, 1977
Pivnyak et al. (Pivnyak) <sup>3</sup>	459,833	July 8, 1975
Dale et al. (Dale), "Conversion of incandescent lamp sockets to fluorescent in the home market," SOURCES, March 1976, pages 18 through 23.		

Claims 19 through 29 and 31 stand rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which appellant regards as the invention.

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<sup>3</sup> A copy of the translation of this USSR Inventor's Certificate is attached.

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Claims 26 through 30 stand rejected under the first paragraph of 35 U.S.C. § 112 because of the lack of written description in the originally filed disclosure for claimed subject matter.

Claims 19 through 31 stand rejected under 35 U.S.C. § 103 as being unpatentable over Kornrumpf in view of Pivnyak and Dale.

Reference is made to the briefs and the answer for the respective positions of the appellant and the examiner.

#### OPINION

With the exception of the written description rejection of claim 30 under the first paragraph of 35 U.S.C. § 112, all of the rejections of record are reversed.

Turning first as we must to the indefiniteness rejection, we find nothing indefinite about the term "sum," or the phrases "a unidirectional voltage," "in substantive effect," and "by way of the diodes" in the claims. The term "sum" is consistent with appellant's description (specification, page 9) of the combined voltage on the two capacitors EC1 and EC2. With respect to the phrase "unidirectional voltage," Figures 1 and 2 of the drawing clearly show that the output of the

bridge rectifier BR is a rectified DC voltage VB which is a "unidirectional voltage." The phrase "in substantive effect" is merely used to emphasize that the rectified DC voltage or "unidirectional voltage" is prevented from exceeding the "sum" of the two capacitor voltages, and this circuit function is accomplished with the aid of diodes or "by way of the diodes" in the circuit. The indefiniteness rejection of claims 19 through 29 and 31 is reversed.

Based upon the foregoing, the written description rejection of claims 26 through 29 is reversed because appellant's disclosure describes circuit conditions under which the rectified DC voltage or "unidirectional voltage" is "in substantive effect" prevented from exceeding the magnitude of the "sum" capacitor voltage. One such circuit condition occurs when the "absolute magnitude of the line voltage falls to very low values" (specification, page 11, paragraph (b)).

The written description rejection of claim 30 is sustained because appellant's originally filed disclosure does not provide any support for the now-claimed "conditioner circuit" function of "being operative to cause the peak absolute magnitude of the AC voltage [from the AC source] to

be clamped such as not to exceed to any substantive degree the maximum absolute magnitude of the sum capacitor voltage."

Stated differently, appellant's originally filed specification and drawing fail to disclose how the bridge rectifier BR, the inverter IC, and the additional circuit elements EC1, EC2, R1 and R2 function to clamp the AC voltage. Appellant's argument (Reply Brief, page 3) that the "instantaneous magnitude of the AC voltage applied to the AC input of rectifier BR can not possibly exceed . . . the sum of the voltages across capacitors EC1/EC2" is contradictory to the disclosure and other claims (e.g., claims 19 and 20).

The obviousness rejection of claims 19 through 31 is reversed because even if we agreed with every word of the examiner's reasoning (Answer, pages 7 through 9) for combining the applied references, we must agree with appellant's arguments (Reply Brief, pages 7 through 10) that the combined teachings are not relevant to the claimed invention, and the combined teachings fail to address the claimed feature of capacitors charged via the inverter during certain times based upon the voltage level of the source voltage. Neither of the

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applied references contains teachings directed to this feature.

Appellant's arguments contain numerous derogatory comments directed to the examiner. Such comments serve no useful purpose in the prosecution of patent applications through the Office. In re Nilssen, 851 F.2d 1401, 1403, 7 USPQ2d 1500, 1501 (Fed. Cir. 1988). Appellant is reminded that he is required to conduct business with the Office "with decorum and courtesy." See 37 CFR § 1.3.

#### DECISION

The decision of the examiner rejecting claims 19 through 29 and 31 under the second paragraph of 35 U.S.C. § 112 is reversed. The decision of the examiner rejecting claims 26 through 30 under the first paragraph of 35 U.S.C. § 112 is reversed as to claims 26 through 29, and is sustained as to claim 30. The decision of the examiner rejecting claims 19 through 31 under 35 U.S.C. § 103 is reversed. In summary, the decision of the examiner is affirmed-in-part.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 C.F.R.



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§ 1.136(a).

AFFIRMED-IN-PART

JAMES D. THOMAS	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
KENNETH W. HAIRSTON	)	APPEALS
Administrative Patent Judge	)	AND
	)	INTERFERENCES
	)	
	)	
JERRY SMITH	)	
Administrative Patent Judge	)	

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***Leticia***

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Application No. 07/728,042

APJ HAIRSTON

APJ THOMAS

APJ JERRY SMITH

DECISION: AFFIRMED IN PART  
Send Reference(s): Yes No  
or Translation (s)  
Panel Change: Yes No  
Index Sheet-2901 Rejection(s): 103  
AND 112.  
Prepared: January 4, 2000

Draft                      Final

3 MEM. CONF.    Y                      N

OB/HD                      GAU

PALM / ACTS2 / BOOK  
DISK (FOIA) / REPORT